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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue  
Seattle, Washington 98101  
February 23, 1994

Reply To  
Attn Of: SO-155

Charles R. Blumenfeld  
Bogle & Gates  
Two Union Square  
601 Union Street  
Seattle, WA 98101-2346

Re: Closure Requirements For In the Matter of: EPA v.  
Northwest EnviroService, Inc., RCRA Docket No. 1092-  
08-07-3008(a)

Dear Chuck:

In our most recent settlement discussions we wrestled with the problems associated with closure of the large pit, the fruehauf pit, sump #2 and sump #4. We discussed a variety of closure scenarios, essentially the continuum between "clean" and "dirty" closure. You requested that EPA attempt to resolve this issue. This letter sets forth a general outline of the closure activities which would be required to satisfy the closure performance requirements of 40 C.F.R. § 265.111. Note that this is not a detailed discussion of closure activities and would not in of itself constitute an acceptable closure plan. It does, however, provide a general description of what EPA considers to be the necessary elements of closure. At a minimum, closure of the four units at issue would include the following:

1. Clean out the unit and remove all contaminants to the extent practical, i.e. excavation of wastes followed by steam cleaning, power washing, etc., and sampling the inner surface to verify contaminant removal.
2. Take at least one core sample to verify that contaminants have not been released through the unit walls in order to verify clean closure. Based on known groundwater contamination at the Site, it is not anticipated that the large pit will achieve clean closure.
3. Should clean closure not be accomplished, pursuant to 40 CFR § 265.228(a)(2)(surface impoundment), and/or 40 C.F.R. 265.197(b)(tank system), complete unit closure and continue on to post-closure care for a landfill, to include, but not be limited to, the following:

-- Backfill the unit with clean fill; and

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-- Cap the unit with a structure which meets the structural requirements of 40 C.F.R. § § 265.228 and/or 265.310.

4. Provide a means for detection, collection, and removal of leakage through the cap (leak detection system).

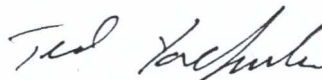
This, to reiterate, is not an inclusive listing of requirements, but is intended to outline the general requirements for closure to meet the closure performance standard, based on the proposed approach. A closure plan must be submitted for approval by Northwest EnviroService Inc., ("NWES") that addresses all applicable requirements.

Following unit closure, post-closure care would commence, including financial assurances and groundwater monitoring. Post-closure activities would be coordinated with the corrective action activities being performed pursuant to In the matter of: Northwest EnviroService Inc., Administrative Order on Consent, U.S. EPA Docket No. 1093-02-09-3008(h). Post-closure care would be incorporated into NWES' operating RCRA permit for all units which require post-closure care.

As we have made significant progress towards settlement, it seems our next task would be drafting a settlement document. To this end, I hope to have a draft document for your review soon.

I appreciate your cooperation in this matter. If you have any questions concerning this letter, please give me a call at (206) 553-1218.

Sincerely,



Ted Yackulic  
Assistant Regional Counsel



(surface impoundment), complete unit closure and continue on to post-closure care for a landfill, to include, but not limited to:

- Backfill the unit with clean fill
- Cap the unit with a structure which meets the structural requirements of 40 C.F.R. §§ 265.228 and/or 265.310

4. Provide a means for detection, collection, and removal of leakage through the cap (leak detection system).

This, to reiterate, is not an inclusive listing of closure requirements, but is intended to outline the general requirements necessary to meet the closure performance standard, based on the proposed approach. A closure plan must be submitted for approval by Northwest EnviroService, Inc. ("NWES"), that addresses all applicable requirements.

Following unit closure, post-closure care would commence, including financial assurances and groundwater monitoring. Post-closure activities would be coordinated with the corrective action activities being performed pursuant to In the matter of: Northwest EnviroService Inc., Administrative Order on Consent, U.S. EPA Docket No. 1093-02-09-3008(h). Post-closure care would be incorporated into NWES' operating RCRA permit for all units which require post-closure care.

As I understand our previous discussions, we have reached an agreement as to the penalty payment necessary for settlement (\$550,000); and the split between the cash payment (\$275,000) and the Supplemental Environmental Project contribution (reduction at a 2 to 1 ratio). It seems our next task would be finalizing our agreement in a settlement document. To this end, I hope to have a draft document for your review within the next ten days. At which point we can arrange for a settlement conference.

I appreciate your cooperation in this matter. If you have any questions concerning this letter, please give me a call at (206) 553-1218.

Sincerely,

Ted Yackulic  
Assistant Regional Counsel

CONCURRENCES						
Initials:	TY	C. Boyd		Wiese	cab	RCRA Policy
Name:	Yackulic	Boyd	Schanilec	Wiese	BROWN	yes
Date:	2/14/94	2/16/94	<del>2/16/94</del>	2/18/94	2-18-94	

2/16/94  
Wiese

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